

The NSW College of Clinical Pastoral Education HANDBOOK

Section 14

Complaints Procedure

- 14.1 It is the policy of the NSWCCPE Inc that any person making a complaint or being complained about should be treated in a sensitive and caring manner and according to the principle of natural justice.
- 14.2 Any person wishing to make a complaint against a supervisor or any other person involved in one of the NSWCCPE Inc's registered Centres Programs or activities shall contact the President of the NSWCCPE Inc. The President will indicate to that person that there may be a number of ways to make a complaint depending on who the person is about whom the complaint is made. For example, a complaint may be made to the NSWCCPE Inc, to church courts if the person is ordained or employed by a church or to the civil courts. The NSWCCPE Inc will respect the prospective complainant makes.
- 14.3 In the event of the complaint being against the President the person shall contact the Secretary of the NSWCCPE Inc who shall undertake the role of the President in this procedure.
- 14.4 The President shall meet that person as soon as possible. The person wishing to make the complaint may have a support person present. The purpose of this meeting is to discuss the process of the investigation and the estimated time frame. The person is to be given a clear understanding verbally and in writing of the steps to be taken and the roles and responsibilities of the respective participants. The President shall ensure that all persons involved in the process shall receive a copy of this protocol.
- 14.5 The person making the complaint shall be requested to submit, in writing, to the President a detailed account of the allegations. This account shall be signed and dated and shall include the complainant's wishes regarding the outcome of the process. The complainant shall be informed that only the members of the panel and the respondent shall have access to this statement of complaint.
- 14.6 The President shall, as soon as possible after receiving the written complaint, advise the respondent of the allegation and the process that will be followed. That person will also be given a copy of this protocol.

- 14.7 The President shall take all necessary steps to ensure the safety of the complainant and other persons who may be at risk. This may involve suspending a Program pending the outcome of the investigation.
- 14.8 The President shall convene a panel as described in paragraph 14.10. The President shall nominate the convener of the panel and the number members that shall be deemed a quorum. The panel shall conduct a formal investigation of the complaint. The complainant will be informed, in advance, of the identity of the panel members. The panel shall interview the complainant and the purpose of the interview shall be made clear to the complainant prior to it being conducted.
- 14.9 The President shall endeavour to ensure that all persons constituting the panel have an understanding of the principles of investigative interviewing.
- 14.10 The panel of interviewers shall include the Convener and two other persons who have agreed to be available for the investigation, at least one of whom shall be of the opposite sex to the complainant. At least two members of the panel must be present for the investigation to proceed. The following could also be present if the complainant chooses:
- 14.10.1 a sexual assault worker, or
- 14.10.2 a support person. who shall act only in the role of an observer. As the investigation does not purport to be a 'legal' enquiry, the support person shall not be a legally qualified person.
- 14.11 An observer is obliged to keep the whole matter confidential and can take no part in the investigative process, other than to offer emotional support to the complainant,
- 14.12 In the case of sexual assault, a sexual assault worker shall act to provide support to the complainant and provide information as to the nature of sexual assault to the members of the panel.
- 14.13 The Convener shall tape record all interviews conducted by the panel. The recordings shall be kept under strict control by the Convener so that confidentiality is assured. The complainant, witness or respondent as the case may be shall be given a copy of the recording of their interview with the panel, if so desired.
- 14.14 The complainant shall be informed that no persons, other than those on the interviewing panel, will have access to the tape recording. (However, if the complainant chooses to make a complaint to the police and the matter is pursued through the courts, the complainant shall be informed that the recording can be subpoenaed by the court).
- 14.15 Following the interview with the complainant, the panel will interview any witnesses it deems necessary and any nominated by the complainant. It may also interview any witness to the event who presents of their own volition. If appropriate and

requested a Sexual Assault Worker or a support person may be present for these interviews.

- 14.16 The panel shall then interview the respondent. The procedures followed and advice given shall be as above, with the exception that a Sexual Assault Worker and the complainant will not be present. The respondent shall be entitled to have a support person present acting in the role of an observer as defined in 14.11 above.
- 14.17 Following the above interviews, the panel of interviewers will make a decision as to the action they believe should occur and present this in writing to the Executive Committee. The Executive Committee may wish to take legal advice on the wording of the letters to be sent to the complainant and respondent. The outcome of shall be communicated to them as soon as is possible.
- 14.18 Should either the complainant or the respondent initiate legal action this process is suspended pending the outcome of those legal proceedings.
- 14.19 Recommendations that the panel may make to the Executive Committee are;
 - 14.19.1 In the case of a person other than a supervisor that recommendation may be:
 - 14.19.1.1 there is no case to answer,
 - 14.19.1.2 that a warning be given,
 - 14.19.1.3 that a reprimand be given,
 - 14.19.1.4 that the trainee be removed from the course,
 - 14.19.2 In the case of the complaint being against a supervisor that recommendation may be one or a combination of the following;
 - 14.19.2.1 there is no case to answer,
 - 14.19.2.2 required to work with another supervisor mutually agreed upon by the Supervisor, the respondent and the NSWCCPE Inc.
 - 14.19.2.3 required to be in supervision with a supervisor mutually agreed upon by the S Supervisor, the Respondent and the NSWCCPE Inc.
 - 14.19.2.4 suspension of accreditation for a period,
 - 14.19.2.5 removal of accreditation.
 - 14.19.2.6 withdrawal of Centre Registration.

- 14.19.3 If the panel finds a complaint proven it will seek legal advice at that time on its obligation to report the outcome to other bodies to which the respondent may belong. Where such an obligation is established it shall be discussed with the respondent.
- 14.20 The decision of the panel shall be final.
- 14.21 Any appeal against this decision will be in the civil courts
- 14.22 People who have been involved in and affected by this investigation shall be offered a list of names of suitable professionals for support and debriefing.
- 14.23 At its discretion, the NSWCCPE Inc may, on the recommendation of the investigating panel, offer to pay for a limited number of session of professional help for those involved in the investigation.
- 14.24 At the conclusion of the proceedings all records shall be retained in a secure place by the convener for a period of not less than six years, following which, apart from any resolution of the Executive Committee, they shall be destroyed.

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Any questions about this handbook should be addressed to:

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